

### REMARKS/ARGUMENTS

Claims 5 and 6 have been added to further protect applicants' invention.

Claims 1-6 remain in this application.

Applicants respectfully traverse the rejection of claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Smith et al. patent 6,892,729. Smith et al. discloses a nasal mask having an elbow which has a first end mounted in an opening in a mask body and a second end adapted to be connected to a pressurized gas hose. The first end fits through the mask body opening and can be moved in an axial direction in the mask body opening between first and second positions. When the elbow is inserted as far as possible into the mask body opening, it is free to rotate 360° about the axis. If the elbow is pulled in the axial direction to the second position in the mask body opening, it frictionally engages the mask body so that it is not free to rotate. The elbow may be frictionally locked in any rotational position relative to the mask body.

Applicant claims a different structure for mounting an elbow on a mask body. The claimed structure is neither anticipated by nor obvious over the Smith et al. structure. Applicant's elbow is retained in a mask body opening and is not free to move between two positions in an axial direction. The elbow is limited only to rotational movement in the mask body opening. Claims 1-4 all specifically require "a lock mounted on said body for movement between a locked position and an unlocked position". Smith et al. has no such lock which is moveable between locked and unlocked positions. Smith et al.'s elbow is moveable between two positions. However, the elbow is not a lock mounted on the body, as required in the claims. Smith et al. only has a rib and groove structure which are integrally molded as a part of the body, and a rib and groove structure which are integrally molded as a part of the elbow. It is respectfully submitted that the office action incorrectly describes Smith et al. as having "a lock mounted on said body (Fig. 16) for movement between a locked position and an unlocked position". There is no lock mounted on the mask body for movement between two positions. Only the Smith et al. elbow is moveable. Also,

Smith et al's elbow is frictionally held in whatever position it is in when it is pushed into the mask body opening. There is no predetermined position, as claimed. Without a separate lock as required in the claims, it is submitted that the claims are not anticipated by Smith et al. and that the rejection should be withdrawn.

New claims 5 and 6 are dependent on claims 4 and 1, respectively, and further recite that the lock is mounted to rotate on the mask body. Since there is no rotatable lock in Smith et al., it is submitted that claims 5 and 6 also are clearly patentable over Smith et al.

Please extend the time for responding to the office action to the mailing date of this response. A Petition For Extension Of Time is enclosed charging the extension fee to the deposit account of MacMillan, Sobanski & Todd, LLC.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Enclosure

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